

### **REMARKS**

Claims 1-18 remain pending in the present application. Claim 5 has been amended and claims 12-18 have been added.

Applicant notes that the Office Action Summary Disposition of Claims section indicates that claims 1-10 are pending in the application. However, the application as originally submitted contained 11 claims, which are on pages 31-34 of the application. Further, due to the lack of a rejection of claim 11, Applicant assumes claim 11 contains allowable subject matter.

### **INFORMALITIES**

The Examiner has objected to the specification because on page 19, line 3 "present" was used instead of --preset--. As per the Examiner's rejection, the specification has been amended.

The Examiner stated that the title of the invention was not descriptive. As per the Examiner's instructions, a new title is included with the Amendment. Accordingly, Applicant respectfully requests removal of these objections.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding claim 5, the Examiner stated that "the group" lacks

proper antecedent basis. As per this rejection, claim 5 has been amended. Accordingly, Applicant respectfully requests removal of this rejection.

#### **PRIOR ART REJECTIONS**

Claims 1-6 and 8-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kubo et al. (U.S. Patent No. 5,828,461). This rejection is respectfully traversed.

The Examiner contends that Kubo et al. discloses in Figs. 2 and 4 in cols. 16-20, an image reading method and apparatus for reading an original image by prescan, setting reading conditions and performing fine scan, analyzing both data of a preset area or the trimming area of the original image for both the prescan data and the fine scan data, calculating a correction condition and processing the fine scan data. The Examiner further states that Kubo et al. discloses image characteristic values of an average density.

Applicant does not agree that Kubo et al. discloses all of the features of claims 1 and 8. In particular, claim 1 and similarly claim 8 include, "calculating a correction condition for the fine scan data such that the image characteristic value of the prescanned data and the fine scanned data match."

Kubo et al. arguably teaches correcting image data on the basis of parameters determined by combinations of print finish characteristics. The print finish characteristics include scanner characteristics, type of original, type of photosensitive

material and exposure amount characteristics, which occur when fine scanned image data is converted to image density data used in printing onto a photosensitive material. As a result, a digital exposure system generates a reproduced image having quality equivalent to that in an areal exposure system, irrespective of the kind of original, kind of scanner for reading an original image, kind of photosensitive material for exposing a reproducing image and kind of printer for exposing the reproducing image.

That is, in order to obtain similarity in a reproduced image between the digital exposure system and the areal exposure system, Kubo et al. determine various parameters for the fine scan and parameters for processing the fine scanned image data. The parameters are used to obtain image quality equivalent to that obtained in the areal exposure system based on the prescanned image data, perform the fine scan using the determined parameters and process the obtained fine scanned image data. Thereby, a reproduced image having quality equivalent to the quality in the areal exposure system is obtained.

Although Kubo et al. arguably discloses a method and apparatus for image processing which includes a pre-scan, a fine scan and "corrected image data", Kubo et al. does not disclose correction conditions as included in claim 1. Kubo et al. processes the fine scan with previously set user selected parameters and the corrected image data developed from the pre-scan. See Specification column 22, lines 3-15. Contrary to Applicant's invention, Kubo et al. does not teach developing any correction conditions by matching the fine scan data and the pre-scan data.

Applicant's invention, for example, uses data from the prescan and the fine scan to generate correction conditions which are then used to complete the processing of the fine scan data and output an image. The use of both the fine scan data and the prescan data to generate a correction condition for the fine scan data allows the invention to compensate for differences between the reading conditions of the prescan and the fine scan. For example, during the fine scan a large quantity of reading light of a high intensity is incident on the film, but in the prescan a lower intensity light may be used. The use of such a large quantity of light in the film may cause a change of image density characteristics on the film due to heat generated by the reading light. The invention taught by Kubo et al. does not take into account this difference between the fine scan and the prescan.

Due to the failure of Kubo et al. to teach all of the features of independent claims 1 and 8, independent claims 1 and 8 are allowable over the prior art of record. Additionally, dependent claims 2-7 and 9-10 are allowable for at least the reasons that the corresponding independent claims are allowable. Thus, Applicant respectfully requests removal of this rejection.

**Kubo et al. and Sakaguchi**

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubo et al. in view of Sakaguchi (U.S. Patent No. 5,995,201). Applicant respectfully traverses this rejection.

The Examiner contends that Kubo et al. discloses the invention with the exception of using the prescan and fine scan data to calculate correction data for dark and shading correction. The Examiner further alleges that Sakaguchi discloses an image reading method and apparatus for reading an original image by prescanning and fine scanning which used the data for dark correction and shading correction. The Examiner contends that it would have been obvious to combine Kubo et al. and Sakaguchi to provide a plurality of prints from a plurality of images without deterioration of the images.

Kubo et al. and Sakaguchi do not disclose the features of claim 7, either alone or in combination. Specifically, as discussed above, Kubo et al. fails to disclose all of the features of independent claim 1 from which claim 7 depends; and, even assuming that Sakaguchi could be combined with Kubo et al. (which Applicant does not admit), Sakaguchi would still fail to make up for the previously mentioned deficiency of Kubo et al.

Thus, claim 7 is allowable over the prior art and Applicant respectfully requests removal of this rejection.

#### **NEW CLAIMS 12-18**

New independent claims 12 and 17 similarly contain the feature of calculating a correction condition using the prescan and fine scan data and processing the fine scan data using the correction condition. At least such a feature is not taught or suggested

by the references of record. Thus, new claims 12 and 17 and the corresponding dependent claims are allowable for reasons similar to those discussed above with respect to independent claims 1 and 8.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-18 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application, and the required fee of \$390.00 is attached.

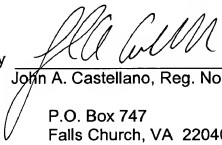
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account

No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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